

PHILIP A. LEWIS
Attorney at Law
Suite 500
210 SW Morrison Street
Portland, OR 97204
(503) 226-3498
E-mail: phil@phillewis.com

Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,)
) Case No. 3:14-cr-00073 JO
Plaintiff,)
) DECLARATION OF COUNSEL
v.) IN SUPPORT OF DEFENDANT'S
) UNOPPOSED MOTION TO POSTPONE
MICHAEL JOSEPH KELLY,) TRIAL DATE
)
Defendant.)

I, PHILIP A. LEWIS, declare under penalty of perjury
as follows:

1. I am the court-appointed attorney for the
defendant in the above matter, which involves the charge of
conspiracy to distribute heroin and to possess with intent to
distribute heroin. His one codefendant is his brother, Marcus
Kelly, who is represented by Tony Schwartz.

2. Defendant made his first appearance at his
arraignment on March 6, 2014. Trial is currently scheduled for
May 13, 2014. There have been no previous continuances.

3. Defendant is in custody, and is being held at FDC Sheridan.

4. Tracking with this matter is the allegation of supervised release violation in *United States v. Michael Joseph Kelly*, Case No. 3:08-cr-00500 JO.

5. A continuance is requested because I need additional time to discuss the case with my client, review discovery, and do some follow up investigation into my client's personal and legal history.

6. I have spoken with Assistant United States Attorney Kemp Strickland, who has indicated that the government has no objection to a continuance of the trial date of approximately 60, and agrees it would be appropriate to still have the supervised release matter postponed as well in order to track with this matter.

7. I have also communicated with Mr. Schwartz, attorney for codefendant Marcus Kelly, and he too as indicated that he does not object to a continuance.

8. I have also discussed with my client the need to have the trial date postponed as described in my motion. I have also discussed with him his rights under the Speedy Trial Act, 18 USC § 3161. He has indicated to me that he has no objection to the trial date being postponed as requested in my motion, and that he understands that this will constitute a waiver of his

right to a speedy trial for that period of time the matter is postponed, which will constitute excludable delay.

DATED this 25th day of April, 2014.

/s/ Philip A. Lewis
PHILIP A. LEWIS, OSB #78284